

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-424-C - ORDER NO. 2000-0466
JUNE 7, 2000

IN RE:	Application of Access One, Inc. d/b/a Access)	ORDER
	One of South Carolina For A Certificate of)	GRANTING
	Public Convenience and Necessity To Provide)	CERTIFICATE FOR
	Intrastate Interexchange Resold)	LONG DISTANCE
	Telecommunications Services In the State of)	AUTHORITY
	South Carolina)	

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Access One, Incorporated d/b/a Access One of South Carolina ("Access One" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide intrastate resold interexchange telecommunications services between and among locations within the State of South Carolina as a non facilities-based interexchange telecommunications service provider. The Company's Application was filed pursuant to S.C. Code Ann. § 58-9-280 (Supp. 1999) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Access One's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No Petitions to Intervene were filed.

A hearing was convened on May 18, 2000, at 12:30 p.m. in the Commission's Hearing Room at 101 Executive Center Drive, Columbia, South Carolina. The Honorable Philip Bradley, Chairman, presided. Access One was represented by Faye Flowers. Jocelyn D. Green, Staff Counsel, represented the Commission Staff.

Mark A. Jozwiak, Vice President of Access One appeared and testified in support of the Application. According to the testimony, at Access One, Mr. Jozwiak is responsible for the Agent Marketing sales force where his responsibilities include recruiting, training, and managing sales agents. Mr. Jozwiak's additional responsibilities include securing major accounts for Access One, overseeing the coordination, installation, and servicing of the Company's T-1 dedicated customer base. The record reveals Mr. Jozwiak had telecommunications experience prior to joining with Access One; he was previously employed with GTE/Sprint, Metropolitan Fiber Systems, Bell Atlantic, Cable & Wireless, Allnet/Frontier and MCI Communications. Mr. Jozwiak testified as to Access One's technical, managerial, and financial ability to provide telecommunications services in South Carolina.

Upon receiving certification from this Commission, Access One will provide a variety of telecommunications services, including outbound direct dialed (1+) and inbound telecommunications service, to business customers through switched and dedicated access facilities. The Company does not plan to provide operator services. Further, the testimony indicates services will be available twenty-four hours a day, seven days per week and are priced based on duration. Furthermore, Access One intends to operate as a switchless reseller; all facilities and equipment are owned and operated by Access One's underlying carriers and the Company relies on its underlying carriers' technical expertise for the operation, ongoing maintenance and supervision of switching equipment and network transmission facilities.

Access One intends to offer its services in South Carolina primarily to small and medium-sized companies; as of the date of the hearing Access One did not intend to target residential customers to provide its services. The Company was certified to provide its services in thirty-two states and the Company had fourteen pending applications as of the date of the hearing. The Company had not had authority denied in any state where it had applied for authority nor had the Company had authority revoked in any state where it had been granted authority. Furthermore, Access One had never been the subject of an investigation by a state or federal regulatory body nor had the Company been fined or sanctioned by any state or federal regulatory body.

Access One will market its services through direct sales and independent contractors. The Company will not utilize telemarketing and Mr. Jozwiak indicated that the Company is familiar with the Commission's marketing guidelines. The testimony reveals all sales agents are familiar with the Company's policies and procedures for soliciting and procuring new customers; furthermore, according to the testimony, Access One will not switch a customer until it has received both a service agreement which has been executed by the customer and verified by telephone that the customer desires to be switched to Access One's services.

During the hearing, Mr. Jozwiak testified that Access One will amend its tariff so that it complies with all the Commission's rules and regulations. Billing services for Access One will be performed by VLM Consulting, Incorporated, Access One's billing agent. The Company's customer service department is open from 8:00 a.m. until 10:00 p.m. (Central Standard Time), seven days a week. The customer service department answers inquiries about customers bills and other services. The Company's toll free customer service telephone numbers are printed on all customer invoices.

The testimony reveals further that Access One has the requisite financial resources to provide telecommunications services in South Carolina. Access One's initial expenses when providing services in the South Carolina market include minimal capital investment – Access One does not plan to construct or lease network or switching facilities; therefore, costs are limited to the costs of certification and marketing. According to the financial statements submitted with the Application, as of December 31, 1998, Access One had total current assets of \$339,415.63 and total current liabilities of \$227,729.89. In addition, at the end of the year 1998, Access One had retained earnings which totaled \$108,881.82. Maureen Wirth is the financial contact person for the Company.

As a privately-held corporation, Access One is owned equally by Lance C. Honea, Brian Barkley, and Mark Jozwiak. The officers of the Company and their titles are as follows: Mr. Honea (Chief Executive Officer), Mr. Barkley (President), Mr. Jozwiak (Vice President) and Maureen Wirth (Controller). In 1990, Mr. Honea became employed with Allnet Communications as a salesperson. Mr. Honea joined Access One in 1993. Mr. Barkley also joined Allnet Communications as a salesperson in 1990. In 1992, Mr. Barkley became employed with Metromedia Communications Corporation (LDDS WorldCom) as an outside sales representative in Chicago. Finally, in 1995, Mr. Barkley joined Access One.

According to the testimony, Access One's existence in South Carolina as a provider of telecommunications' services will enhance long distance competition in South Carolina. Furthermore, the testimony reveals certification of Access One will serve the public interest by providing South Carolina consumers with a wider choice of services and providers. Mr. Jozwiak's testimony indicates Access One offers quality long distance services at competitive prices.

After full consideration of the applicable law, the Company's application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Access One is organized as a corporation under the laws of the State of Illinois and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.
2. Access One operates as a non facilities-based reseller of interexchange services and wishes to provide its services in South Carolina.
3. Access One has the experience, capability, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Access One to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.
2. The Commission adopts a rate design for Access One for its resale of interexchange services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of

GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. Access One shall not adjust its interexchange rates below the approved maximum level without notice to the Commission and to the public. Access One shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provision of S.C. Code Ann. §58-9-540 (Supp. 1999).

4. If it has not already done so by the date of issuance of this Order, Access One shall file its revised tariff and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. Access One is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. Access One shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Access One changes underlying carriers, it shall notify the Commission in writing.

8. Access One shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A. Be advised that the Commission's annual report for telecommunication companies requires the filing of intrastate revenues and intrastate expenses.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Access One shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. Attachment B shall be utilized for the provision of this information to the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

10. With regard to the origination and termination of toll calls within the same LATA, Access One shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dial parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209).

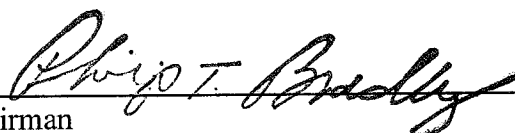
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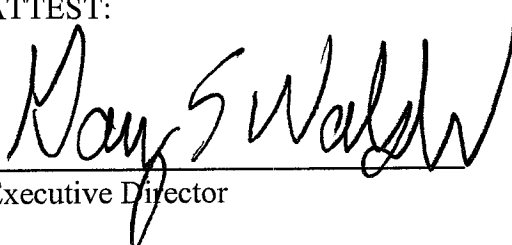
11. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

12. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

**ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS
FOR INTEREXCHANGE COMPANIES AND AOS'**

COMPANY NAME _____ **FEIN** _____

ADDRESS _____ **PHONE NUMBER** _____

CITY, STATE, ZIP CODE _____ **FAX NUMBER** _____

1. **SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING
DECEMBER 31, 2000 OR FISCAL YEAR.** \$ _____
2. **SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING
DECEMBER 31, 2000 OR FISCAL YEAR.** \$ _____
3. **RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS FOR THE 12 MONTHS
ENDING DECEMBER 31, 2000 OR FISCAL YEAR:**

Gross Plant in located or allocated to South Carolina operations \$ _____

CWIP located in or allocated to South Carolina operations \$ _____

Land located in or allocated to South Carolina operations \$ _____

Accumulated Depreciation of South Carolina Plant (\$ _____)

Net Rate Base located in or allocated to South Carolina operations \$ _____

4. **PARENT'S CAPITAL STRUCTURE FOR THE 12 MONTHS ENDING
DECEMBER 31, 2000 OR FISCAL YEAR:**

LONG TERM DEBT \$ _____

EQUITY \$ _____

5. **PARENT'S AVERAGE RATE OF INTEREST ON LONG TERM DEBT** _____ %.

6. **CONTACT PERSON FOR ALL FINANCIAL INQUIRES AND REPORTING:**

NAME _____

ADDRESS IF DIFFERENT FROM COMPANY _____

TELEPHONE NUMBER _____

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS

FOR INTEREXCHANGE COMPANIES AND AOS'

7. **ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS WELL AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT (SEE #3 ABOVE)(USE BACK IF NEEDED).**

NAME OF OFFICER SIGNING FORM (PRINT OR TYPE) _____

SIGNATURE _____

TITLE _____

JUNE 7, 2000

ATTACHMENT B

AUTHORIZED UTILITY REPRESENTATIVE INFORMATION

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION REGULATION

103-612.2.4(b) - Each utility shall file and maintain with the Commission the name, title, address, and telephone number of the persons who should be contacted in connection with General Management Duties, Customer Relations (Complaints), Engineering Operations, Test and Repairs, and Emergencies during non-office hours.

Company Name (Including dba Name(s) or Acronyms used or to be used in South Carolina)

Business Address

City, State, Zip Code

A.

General Manager Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

B.

Customer Relations (Complaints) Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

C.

Engineering Operations Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

D.

Test and Repair Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

E.

Contact for Emergencies During Non-Office Hours (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

F.

Financial Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

G.

Customer Contact Telephone Number for Company (Toll Free)

This form was completed by

Signature

If you have any questions, contact the Consumer Services Department (803-896-5230)
or Utilities Department at (803-896-5105).